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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:	Thomas Homan et al
Application No.:	10/029354
Filed:	October 26, 2001
For:	CATHETER WITH REMOVABLE BALLOON PROTECTOR AND STENT
Examiner:	(Jackie) Tan-Uyen T. Ho
Group Art Unit:	3731
Firm Docket No.:	S63.2N-6748-US04

DATE: October 13, 2004 TIME: 4:36 P.M. FACSIMILE NO.: 703-872-9306

TOTAL NUMBER OF PAGES (including transmittal letter): 4

FACSIMILE TRANSMITTAL LETTER

Following please find a 2 page Amendment in response to the Office Action dated September 23, 2004; and 1 page Facsimile Transmittal Letter.

With respect to fees: ☒ No additional fee is believed to be required
☐ Charge ** fee to our Deposit Account No. 22-0350

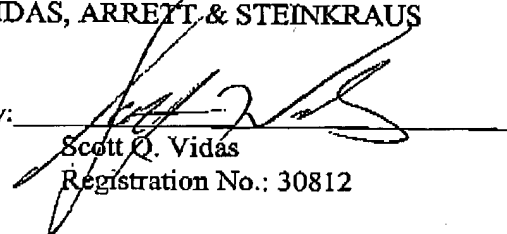
Conditional Petition

If any extension of time for the accompanying response is required or if a petition for any other matter is required, applicant requests that this be considered a petition therefore.

If any additional fees associated with this communication are required and have not otherwise been paid, please charge the additional fees to Deposit Account No. 22-0350. Please credit overpayment associated with this communication to the Deposit Account No. 22-0350.

Respectfully submitted,
VIDAS, ARRETT & STEINKRAUS

Date: October 13, 2004

By: 
Scott Q. Vidas
Registration No.: 30812

6109 Blue Circle Drive, Suite 2000
Minnetonka, MN 55343-9185
Telephone: (952) 563-3000
Facsimile: (952) 563-3001

*Facsimile Transmittal Letter
Amendment
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*Application No.: 10/029/354
Attorney Docket No.: S63.2-6748-US04*

Certificate of Transmission

I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office, Fax No. 703-872-9306, on October 13, 2004.

Signature: _____


Robin Peddieson

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Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Docket No.: S63.2N-6748-US04

ELECTION WITH TRAVERSE

This Amendment is in response to the Office Action dated September 23, 2004 in which a second restriction requirement was imposed. Applicant elects to prosecute species 1, the balloon catheter and balloon protector means of claims 1-16 with traverse. Previously Applicant elected to prosecute Species 1, which then was directed to a protector with one sleeve, claims 1-16 and claims 35-52. The old species 2 was directed to a protector with two sleeves, and concerned claims 17-34 and claims 53-85.

The current restriction requirement simply states that a further restriction is being required without an explanation. Both new Species 1 and new Subspecies 2 are directed to protectors with one sleeve. The difference between New Subspecies 1 and New Species 1 is that New Subspecies 1 also includes a stent. It is not believed that the claims should be further restricted. No further searching is required in order to examine the patentability of claims in Subspecies 1 and Species 1. It is respectfully requested that the Examiner's former restriction requirement be reinstated and for prosecution to proceed on protectors with one sleeve.

If an extension of time is required to make this response timely and no separate petition is enclosed, Applicant hereby petitions for an extension of time sufficient to make the response timely. In the event that this response requires the payment of government fees and payment is not enclosed, please charge Deposit Account No. 22-0350.

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Amendment
Attorney Docket No. S63.2N-6748-US04

Respectfully submitted,

VIDAS, ARRETT & STEINKRAUS

Date: October 13, 2004

By: _____


Scott Q. Vidas

Registration No.: 30812

6109 Blue Circle Drive, Suite 2000
Minnetonka, MN 55343-9185
Telephone: (952) 563-3000
Facsimile: (952) 563-3001

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